

REMARKS

Upon entry of the amendment claims 1-5, 7-11 and 21-22 will be pending in the application. Applicants have canceled claim 6. No new matter is added.

Rejections under 35 USC § 102

Claims 1, 6 and 21 remain rejected as anticipated by Hill et al., J. Clin. Invest. 102:115-23, 1998 (“Hill”) under 35 USC § 102(a). Applicants have canceled claim 6, rendering the rejection moot as applied to this claim. The rejection is traversed as applied to the remaining claims.

Applicants enclose a declaration from co-inventor James Keith stating that the other authors of Hill are not co-inventors of the subject claimed in the present patent application. Therefore, Hill does not constitute an invention “by another” and is not available as a reference under 35 USC § 102(a).

Claim 6 remains rejected as anticipated under 35 USC § 102(b) by Yang et al, US Patent No. 5,700,664 (“Yang”). Applicants have canceled claim 6, rendering this rejection moot.

In view of the foregoing amendments and remarks, Applicants request reconsideration and withdrawal of the rejections for anticipation.

Rejections under 35 USC § 103(a)

Claims 2-5, 7-11 and 22 are rejected as obvious over Hill in view of Yang. As explained above, Hill is not available as a prior art reference against the pending claims. Therefore, Applicants request that this rejection be withdrawn.

Applicants submit that the application is in condition for allowance, and such action is respectfully requested. Should any questions or issues arise concerning the application, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

A petition for extension of time, accompanying fee, and information disclosure statement accompany this response. The Commissioner is authorized to charge payment of any additional fees required in connection with the papers transmitted herewith, or credit any overpayment of ~~intere~~ same, to Deposit Account No. 50-0311 (Reference No. 22058-521).

Respectfully submitted,

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